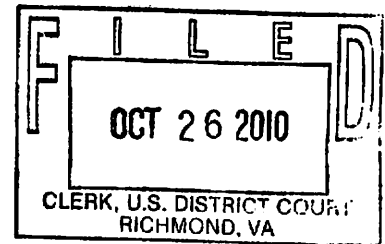


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



DEREK MOSER,

Plaintiff,

v.

Civil Action No. **3:10CV572**

VIRGINIA DEPT. OF CORRECTIONS,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on August 23, 2010, the Court conditionally docketed Plaintiff's action. At that time, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Plaintiff that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Plaintiff has not complied with Court's order to return a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant complaint. *See* 28 U.S.C. § 1914(a). Plaintiff's actions demonstrate a wilful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

It is so ORDERED.

/s/
Richard L. Williams
United States District Judge

OCT 26 2010
Date: _____
Richmond, Virginia